

SUPREME COURT OF ILLINOIS

WEDNESDAY, SEPTEMBER 17, 2008

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.22466 - In re: Jennifer A. Georgis. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Jennifer A. Georgis is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.22476 - In re: Dodie LeAnn Junkert. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Dodie LeAnn Junkert is suspended from the practice of law for one (1) year, with the suspension stayed after thirty (30) days by a one (1) year period of probation subject to the following conditions:

a. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;

b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including:

Trust Account Procedures

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents, which must be preserved for seven (7) years:

Bank statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years.

c. During the period of probation, respondent shall meet with the Administrator's representative on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify her compliance with Condition (b);

d. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

e. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;

f. Respondent shall reimburse the Commission for costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation; and

g. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence on the date of the determination that any term of probation has been violated.

Suspension effective October 8, 2008.

Respondent Dodie LeAnn Junkert shall reimburse the Client Protection Program Trust Fund for any Client Protection Payments arising from her conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.22484 - In re: David Mark Laz. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, respondent David Mark Laz is suspended from the practice of law for two (2) years, with the suspension stayed after one (1) year, and respondent placed on conditional probation, as follows:

Before the suspension will be stayed, respondent must comply with the following conditions:

- a. Respondent shall pay restitution to Kenneth Brooks in the amount of \$2,500;
- b. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute;
- c. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation.

After the initial one (1) year period of suspension, and after respondent complies with the above listed conditions, the probationary period shall begin with respondent complying with the following conditions:

- d. Respondent shall remain under the care of a psychiatrist and shall comply with all treatment recommendations of the mental health care professional(s), including the taking of prescribed medications;
- e. Respondent shall provide to his treating mental health care professional(s) an appropriate release as required under the Confidentiality Act of the Mental Health Code, 740 ILCS 110/1 et seq., authorizing the treating professional(s) to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with his treatment plan; (2) promptly report to the Administrator respondent's failure to comply with any part of the established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;
- f. Respondent shall notify the Administrator of the name and business address of his mental health care professional(s) and shall notify the Administrator within fourteen (14) days of any change in treatment providers and professionals;

g. Respondent's practice of law shall be supervised by a licensed attorney acceptable to the Administrator. Respondent shall notify the Administrator of the name and address of any and all attorneys with whom he establishes a supervisory relationship. Respondent shall authorize the supervising attorney to provide a report in writing to the Administrator no less than every three (3) months, regarding the nature of respondent's work, the number of cases being handled by respondent and the supervisor's general appraisal of respondent's continued fitness to practice law;

h. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of compliance with the conditions of probation;

i. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

j. Respondent shall comply with the Illinois Rules of Professional conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct; and

k. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective October 8, 2008.

Respondent David Mark Laz shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

Thomas, J., took no part.

M.R.22495 - In re: John William Kearns. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent John William Kearns is suspended from the practice of law for two (2) years and until further order of the Court.

Order entered by the Court.

M.R.22504 - In re: Eberechukwu N. Nwakudu Ekechukwu. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent Eberechukwu N. Nwakudu Ekechukwu is suspended from the practice of law for sixty (60) days, stayed in its entirety by a one (1) year period of probation subject to the following conditions:

a. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including:

Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of the deposit, the client matter, the deposit number, and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter, and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents which must be preserved for seven (7) years:

Bank Statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and billing records - Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliations

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register, and the bank statements. Records of these reconciliations must be maintained for seven (7) years.

b. During the period of probation, respondent shall meet with counsel for the Administrator on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify her compliance with Condition (a);

c. During the period of probation, respondent shall successfully complete the Professionalism Seminar conducted by the Illinois Professional Responsibility Institute;

d. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

e. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to her conduct;

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

g. Respondent shall keep an updated log listing of all of her cases, showing in chronological order the date as of which her clients' claims will be barred by the statute of limitations. The log will also indicate the date on which respondent was retained, the date the complaint was filed, if any, and the settlement date; and

h. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The sixty (60) day suspension shall commence from the date of the determination that any term of probation has been violated.

Respondent Eberechukwu N. Nwakudu Ekechukwu shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.22513 - In re: Timothy Michael Block. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Timothy Michael Block, who has been disciplined in the State of Minnesota, is suspended from the practice of law for sixty (60) days in the State of Illinois.

Suspension effective October 8, 2008.

Respondent Timothy Michael Block shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.22521 - In re: Bernard James Fagan, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Bernard James Fagan, Jr. is suspended from the practice of law for sixty (60) days and ordered to complete the professionalism seminar of the Illinois Professional Responsibility Institute within one (1) year of the Court's final order of discipline.

Suspension effective October 8, 2008.

Respondent Bernard James Fagan, Jr. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.22534 - In re: Paul William Casbarian. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Paul William Casbarian is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.22535 - In re: Sheryl E. Fuhr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Sheryl E. Fuhr is censured and ordered to attend the professionalism seminar of the Illinois Professional Responsibility Institute within one (1) year of the Court's order of discipline.

Order entered by the Court.

M.R.22536 - In re: Timothy John O'Leary. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Timothy John O'Leary, who has been disciplined in the State of Missouri, is reprimanded in the State of Illinois.

Order entered by the Court.

M.R.22538 - In re: David M. Ucherek. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent David M. Ucherek is disbarred.

Order entered by the Court.

M.R.22544 - In re: Lonnie L. Lutz. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent Lonnie L. Lutz is reprimanded by the Court.

Order entered by the Court.

M.R.22557 - In re: Nkrumah Lumumba Hopkins. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Nkrumah Lumumba Hopkins is suspended from the practice of law for one (1) year, with the suspension stayed after six (6) months and respondent placed on probation for a period of eighteen (18) months subject to the following conditions:

1. Respondent shall, within the first sixty (60) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other Bar Association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize the following:

- a. a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct;

- b. a system for maintaining records as required by Supreme Court Rule 769;

- c. a diary and docketing system in accordance with the requirements established by the law office management program, including a mechanism by which approaching statutes of limitations and other filing deadlines are noted;

d. a system by which telephone messages are recorded and telephone calls are returned in a timely manner;

e. a system by which written requests by clients for the status of their legal matters are responded to, either orally or in writing, in a timely manner;

f. a system whereby clients are apprised at the outset of representation of the basis upon which fees will be calculated and costs paid; and

g. for cases in which the fee is to be calculated on an hourly basis, a system by which clients are provided with regular itemized billing statements provided at least quarterly, setting forth the services performed by respondent, the date upon which each service was performed, the time spent by respondent on each service and the amount to be charged to the client;

2. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

a. disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above described conditions;

b. promptly report to the Administrator respondent's failure to comply with any part of the above described conditions; and

c. respond to any inquiries by the Administrator regarding respondent's compliance with the above described conditions;

3. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

4. Respondent shall attend and successfully complete the course conducted by the Illinois Professional Responsibility Institute within the first year of probation;

5. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

6. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

7. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

8. At least thirty (30) days prior to the termination of the period of probation, respondent shall complete and provide proof to the Administrator of the payment of restitution to the New Mount Olive Missionary Baptist Church in the amount of \$3,255;

9. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the disciplinary fund for any Client Protection payments arising from his conduct; and

10. Probation shall be revoked if respondent is found to have violated any of the foregoing terms of probation. The remainder of the one (1) year suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective October 8, 2008.

Order entered by the Court.

M.R.22558 - In re: Alec J. Magafas. Disciplinary Commission.

The motion by Alec J. Magafas to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.22566 - In re: William Joseph Phelan. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent William Joseph Phelan is censured.

Order entered by the Court.

M.R.22567 - In re: Amanda Kelton Bradley Verett. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Amanda Kelton Bradley Verett is suspended from the practice of law for ninety (90) days and ordered to successfully complete the professionalism seminar of the Illinois Professional Responsibility Institute within six (6) months of the Court's final order of discipline.

Suspension effective October 8, 2008.

Respondent Amanda Kelton Bradley Verett shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.22578 - In re: Thomas A. Cifelli. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Thomas A. Cifelli, who has been disciplined in the State of Arizona, is suspended from the practice of law for two (2) years in the State of Illinois and until he is reinstated to the practice of law in Arizona, subject to the terms of probation imposed in Arizona upon reinstatement.

Suspension effective October 8, 2008.

Respondent Thomas A. Cifelli shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.22592 - In re: Cynthia Leyh. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Cynthia Leyh, who has been disciplined in the State of Arizona, is censured in the State of Illinois.

Order entered by the Court.

M.R.22593 - In re: Earthleen Elizabeth Matthews McFerren. Disciplinary Commission.

The Administrator of the Attorney Registration and Disciplinary Commission having filed exceptions to the petition of Earthleen Elizabeth Matthews McFerren for restoration to active status pursuant to Supreme Court Rule 759, the matter is referred to the Hearing Board of the Attorney Registration and Disciplinary Commission which shall hear the matter.

Order entered by the Court.

M.R.22599 - In re: Stuart Phillip Levine. Disciplinary Commission.

The motion by Stuart Phillip Levine to strike his name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.